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OFFICE OF PETITIONS

In re Application of
David A. Sirbasku
Application No. 09/852,958
Filed: May 10, 2001
Attorney Docket No. 7219.007

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the final Office action mailed June 14, 2006, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time was obtained under 37 CFR 1.136(a). Accordingly, by operation of law, the above-identified application became abandoned on December 15, 2006.

The petition decision mailed November 9, 2007 dismissed the petition under 37 CFR 1.137(b) filed July 16, 2007 for failure to provide the required proper response under 37 CFR 1.137(b) (1).

The instant renewed petition includes a Request for Continued Examination dated December 13, 2007 which identifies a "previously submitted" amendment, that amendment being filed December 14, 2006. It is noted the Request for Continued Examination form indicates an "Enclosed" amendment but it appears petitioner used this as a general enclosure listing as the "Petition to Revive" is set forth as the enclosed paper.

The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment, Request for Continued Examination and the \$810 filing fee; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of June 14, 2006 is accepted as having been unintentionally delayed.

The filing fee for the Request for Continued Examination of \$810 is charged to petitioner's deposit account No. 232426 as authorized by William Ramey, III.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to Technology Center Art Unit 1642 for appropriate action on the merits.

Chris Bucci

for David Bucci
Petitions Examiner
Office of Petitions